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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,383	04/19/2004	Hun-Yang Park	P69617US0	9715
43569	7590	11/15/2005	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP 1909 K STREET, N.W. WASHINGTON, DC 20006			DANG, HUNG XUAN	
		ART UNIT	PAPER NUMBER	
		2873		

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,383	PARK, HUN-YANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hung X. Dang	2873	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 August 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

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1. The response filed on 8/30/05 has been considered.

### **Claims Rejection Under 35 USC - 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6,352,342).

Huang discloses auxiliary eyewear with laterally distant magnets on lens retaining mechanism comprises main eyeglasses 14 including an adjacent pair of main lens rims with main lenses, and a main nose piece for interconnecting said main lens rims; auxiliary eyeglasses 12 including auxiliary lenses, and an auxiliary nose piece for interconnecting the auxiliary lenses; and a separately detachable connection bar 126 for detachably connecting said auxiliary eyeglasses to said main eyeglasses, said connection bar coupled to the main lens rims of the main eyeglasses such that upper portions of the main lens rims of the main eyeglasses are interconnected thereby, wherein said connection bar includes a pair of main eyeglass seating portions for detachably connecting said connection bar to said upper portions of said main eyeglasses.

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Huang does not teach that the auxiliary eyeglasses including a pair of auxiliary lens rims.

Auxiliary eyeglasses have long been designed with the general objective of blocking the sun or other sources of bright light, from one's eyes. Numerous designs of rimless auxiliary eyeglasses and rims auxiliary eyeglasses have been developed, differing only in aesthetic feature. Therefore it would have been obvious to one skilled in the art to make the auxiliary eyeglasses, of the Huang, rimless auxiliary eyeglasses or rims auxiliary eyeglasses for the purpose of providing aesthetic feature.

### **Claims Rejection Under 35 USC - 103**

3. Claims 1-5 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang** (6,352,342) in view of **Ku** (6,089,708).

Huang discloses all the limitations as stated above with the exception of the auxiliary eyeglasses being mounted detachably to the connection bar.

Ku, however, discloses the auxiliary eyeglasses 2 being mounted detachably to the connection bar 3 (see figures 1, 2 and the related disclosure.)

Because Huang and Ku are both from the same field of endeavor, the purpose of removal of the auxiliary eyeglasses from the main eyeglasses as disclosed by Ku would have been recognized as an art pertinent art of Huang.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Huang, with the auxiliary eyeglasses being mounted detachably to the

connection bar, such as disclosed by Ku for the purpose of removal of the auxiliary eyeglasses from the main eyeglasses.

### **Response To applicant's Argument**

4. Applicant's arguments filed 8/30/05 have been fully considered but they are not persuasive.

Applicant's argued that "Neither reference teaches or suggests that the connection bar is detachably mounted to upper portions of the main frames." This argument is not persuasive because figures 1 and 3 shown a connection bar 126 is detachably mounted to upper portions of the main lens rim 143 by the magnetic members 1266 and 1442 respectively (see figures 1,3 and column 3, lines 24-67.)

Therefore the claimed invention does not distinguish over the cited arts.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

11/05



HUNG DANG

PRIMARY EXAMINER

TC 2800